



General Assembly

Sixty-second session

111st plenary meeting

Friday, 11 July 2008, 3 p.m.

New York

Official Records

President: Mr. Kerim (The former Yugoslav Republic of Macedonia)

In the absence of the President, Mr. Mavroyiannis (Cyprus), Vice-President, took the Chair.

The meeting was called to order at 3.20 p.m.

Agenda item 7 (continued)

Organization of work, adoption of the agenda and allocation of items

Fourth report of the General Committee (A/62/250/Add.3)

The Acting President: In paragraph 2 (a) of the fourth report of the General Committee (A/62/250/Add.3), the Committee recommends to the General Assembly that an additional item entitled "Extension of the terms of the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" be included in the agenda of the current session under heading I (Organizational, administrative and other matters).

The representative of Rwanda has requested the floor.

Mr. Nsengimana (Rwanda): My delegation appreciates this opportunity to address the States Members of the United Nations on the important issue

of the International Criminal Tribunal for Rwanda (ICTR). Let me reiterate Rwanda's appreciation for the support given by the international community through the ICTR to arrest and bring to justice perpetrators and leaders of the Rwandan genocide and the efforts to address the impunity that prevailed in Rwanda for a long period, which have also contributed to the reconciliation policy that Rwanda put in place in order to reconstitute a traumatized society.

In June, Rwanda's Prosecutor General, Mr. Martin Ngoga, made a statement to the Security Council highlighting issues concerning the transfer of cases to national jurisdictions, including Rwanda. The statement clearly indicated that Rwanda was prepared to receive cases involving intermediate- and lower-rank accused, as directed by resolution 1503 (2003) when the ICTR winds up.

Rwanda has taken the following steps in order to fulfil its obligations as the aforementioned Security Council resolution directed. As a matter of State responsibility, Rwanda began close consultations with the Tribunal and set the grounds for reserving and conducting trials of some of the cases that may be transferred from the ICTR. A comprehensive piece of legislation was adopted in March 2006 to govern the transfer of cases from the ICTR and any State to Rwanda. The law provides sufficient guarantees for fair trials; it is explicitly based on the ICTR's rules of procedure and evidence, as well as other best practices recognized and applied by the ICTR. The law allows the ICTR to monitor trials and recognize the ICTR's primacy and right to call back transferred cases.

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08-42028 (E)



During the past two years, modern courtrooms have been prepared. Under a joint programme between the ICTR and Rwanda, we have conducted activities to foster familiarity and interaction between the ICTR and Rwanda, including workshops for judges, prosecutors, the bar and staff. A modern holding cell has been constructed in Kigali to accommodate ICTR detainees who will be appearing in the court.

In the same way, an agreement for the transfer of ICTR convicts to Rwanda was signed on 4 March 2008. The agreement is founded on the requirement provided for under the ICTR statute to have sentences imposed by the ICTR be served in Rwanda. We have a modern correctional facility that is intended to accommodate ICTR convicts sent from Arusha, as well as ICTR accused who may eventually be convicted.

Both the prosecution and the Registrar of the Tribunal have conducted a series of visits to Rwanda to verify the country's readiness and willingness to receive the ICTR's outstanding workload. They have expressed their satisfaction with the level of compliance with internationally recognized standards and norms attained by Rwanda's judicial institutions.

Given the efforts that Rwanda has undertaken with the assistance of the international community, my Government wishes to express its frustration with the decision by the judges of the ICTR on the referral of cases to Rwanda, which we believe has influenced the decision to extend their mandate. The Security Council should indeed establish support mechanisms that would bolster Rwanda's efforts to address issues related to post-ICTR residual functions. A mechanism between States Members of the United Nations and the Government of Rwanda that would address the transfer and trade of all remaining ICTR cases, the pursuit of fugitives at large and the monitoring of service of sentences would be most appropriate. With such a mechanism, we could achieve a smooth and effective completion process.

Rwanda views the extension of the mandate of the ICTR judges as contradicting the major efforts that Rwanda has made with the assistance of some Member States. The General Committee should consider deferring the item on the agenda.

The Acting President: The General Assembly currently has before it a recommendation by the General Committee to include this item in the agenda. Therefore, the decision I want to ask the Assembly to

take is whether we decide to include this item in the agenda for the current session under the heading I.

It was so decided.

The Acting President: In paragraph 2 (b) of the same report, the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider this item directly in plenary meeting?

The representative of Rwanda has requested the floor.

Mr. Nsengimana (Rwanda): Rwanda has expressed its view on that matter. Its proposal is therefore to defer the matter.

The Acting President: I think we have already decided to include that agenda item. We are therefore now talking about the allocation of the item.

If there is no objection, I shall take it that the General Assembly decides to consider the item directly in plenary meeting.

It was so decided.

The Acting President: I should like to inform members that the item entitled "Extension of the terms of the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" becomes item 168 on the agenda of the current session.

In paragraph 3 of the same report, the General Committee decided to recommend that an item entitled "Commemoration of the seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)" not be included in the agenda of the sixty-second session.

I now give the floor to the Permanent Representative of Ukraine.

Mr. Sergeyev (Ukraine): I take the floor for three reasons. First of all, I want to thank the delegations that supported our request for including in the agenda of the sixty-second session of the General Assembly an additional item entitled "Commemoration of the

seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)". We are grateful to other members of the General Committee that showed their interest and participated in yesterday's discussion. We have taken note of their approaches, in particular suggestions to include the item in the agenda of the sixty-third session. At the same time, we understand that the reason for yesterday's decision of the General Committee was not due to the substance of the issue, but a prevailing desire to have more time for its thorough consideration. It was no surprise that only one delegation demonstratively spoke against our request.

That brings me to the second reason for my statement. During the current session of the General Assembly, we have used a number of opportunities to bring to the attention of the membership of the United Nations information, including recently declassified archives, shedding light on the mechanisms and specifics of the development of the Holodomor tragedy in Ukraine in 1932 and 1933. Our approach to the problem of Holodomor is based on solid archival documents and eyewitness accounts, not on emotions or the Soviet-style stereotypes demonstrated by our opponents. Ukraine shares the pain of other peoples of the former Soviet Union that suffered from famine in the 1930s. Such feelings have been unequivocally expressed by us on a number of occasions.

At the same time, we cannot but draw the world's attention to the fact that specifically in the Ukrainian case famine was used as a weapon. Imagine a bird being put in a cage and denied food until it died. That is what happened to millions of people in Ukraine, who by military arms were kept from leaving their famine-stricken homes in search of survival. That is why Ukraine categorically rejects attempts to dilute the truth about Holodomor and to question its right to have the tragedy of its people spoken of and recognized in the United Nations. That is an unfair and dangerous approach that challenges the dignity of many millions of victims of crimes committed by the totalitarian Stalin regime and prevents humankind from obtaining knowledge that might help it to avoid similar catastrophes in the future.

Lastly, I want to emphasize that Ukraine is ready to continue efforts that would lead to the widest possible understanding on the question of Holodomor. In a spirit of flexibility, we will not insist on having the issue considered in the current session of the General

Assembly. Instead, I would like to express the sincere hope that Holodomor will receive adequate attention during the Assembly's sixty-third session.

The Acting President: May I take it that it is the wish of the General Assembly to approve the recommendation of the General Committee not to include this item in the agenda of the current session?

It was so decided.

The Acting President: I now give the floor to the representative of the Russian Federation.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): Now that the General Assembly has taken the important decision to adopt the recommendation of the General Committee, I should like to take this opportunity once again to explain the position of the Russian Federation, which spoke against the inclusion in the agenda of the sixty-second session of the General Assembly of an additional item entitled "Commemoration of the seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)".

We objected to that issue being raised because we believe that it is historically, and therefore politically, incorrect. The mass hunger in the territory of the Soviet Union in the 1930s was a tragic chapter in the overall history of the peoples of the Soviet Union. As the Assembly is aware, hunger struck not only Ukraine at the time, but also other parts of the Soviet Union — in particular southern Byelorussia, the Povolzhe region, the Central Black Sea oblast, the Don and Kuban Cossack oblasts, the northern Caucasus, northern Kazakhstan, the southern Urals and western Siberia. At that time, when it was part of Poland, people were also starving in the western part of Ukraine.

The research of Russian historians has proved that the famine in the Soviet Union in the 1930s was simply the result of improper management of the agricultural sector throughout the entire country, and not only in Ukraine. We remember the tragic events that occurred in those years on the territory of the former Soviet Union, but we cannot give preference to the memory of those who suffered in that event in one particular region over that of those in other regions. I believe that, in this case, we are ruled by perfectly understandable human considerations, and nothing else. I need not develop that any further. We believe

that it would be improper to the memory of the hundreds of thousands of people who died of hunger throughout the entire Soviet Union to raise the issue at the United Nations while referring solely to one of the regions stricken.

With regard to yesterday's discussion in the General Committee, all delegations that so desired spoke, including those not members of the Committee. We are grateful to the delegations that supported the point of view that there was a need for consensus in this particular case.

It is on that basis that we are prepared to work further. We are open to further talks, first and foremost with the delegation of Ukraine, but also possibly with other delegations that represent independent States that in those years were components of the Soviet Union.

Agenda item 113 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(c) Election of five members of the Organizational Committee of the Peacebuilding Commission

The Acting President: Members will recall that, at its 109th plenary meeting on 20 June 2008, the General Assembly extended to 11 July 2008 the terms of office of the current members of the Assembly on the Organizational Committee of the Peacebuilding Commission — Burundi, Chile, Egypt, El Salvador and Fiji.

It is my understanding that, to date, consultations are still ongoing among the regional groups regarding the election by the Assembly to membership in the Committee.

As an interim measure, the President of the General Assembly has proposed to extend until 31 December 2008 the terms of office of the current members of the Assembly on the Committee that are due to expire today, Friday, 11 July 2008.

In that connection, I also wish to inform members that, in a letter addressed to the President of the General Assembly dated 10 July 2008, the troop-contributing countries have indicated no objection to the extension of the term of all categories of the current members of the Organizational Committee until the end of December 2008. I understand that the Economic and Social Council has just taken similar action concerning its current members of the Organizational Committee.

May I take it that it is the wish of the General Assembly, as an interim measure, to further extend the terms of office of the current members of the Assembly on the Organizational Committee — Burundi, Chile, Egypt, El Salvador and Fiji — to 31 December 2008?

It was so decided.

The Acting President: The General Assembly has thus concluded this stage of its consideration of sub-item (c) of agenda item 113.

The meeting rose at 3.45 p.m.